

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
MICHAEL ZARRABIAN
1925 CENTURY PARK EAST, SUITE 500
LOS ANGELES, CA 90067

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (day/month/year) 10 FEB 2005			
Applicant's or agent's file reference STPCT04		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US04/21435	International filing date (day/month/year) 02 July 2004 (02.07.2004)	Priority date (day/month/year) 03 July 2003 (03.07.2003)	
International Patent Classification (IPC) or both national classification and IPC IPC(7): A47K 7/03; A47L 13/17 and US Cl.: 15/104.93; 427/402, 417, 430.1; 118/44, 100, 302, 304, 324, 407, 408, 410, 423			
Applicant SPONGETECH, INC.			

1. This opinion contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the opinion |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |


2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Randall Chin  Telephone No. (571) 272-1700
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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☒ paid additional fees
- ☐ paid additional fees under protest
- ☐ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rule 13.1, 13.2 and 13.3 is
- ☐ complied with
- ☒ not complied with for the following reasons:
- See the lack of unity section of the International Search Report(Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

Inventive step (IS)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

Industrial applicability (IA)

Claims Please See Continuation Sheet YES

Claims Please See Continuation Sheet NO

2. Citations and explanations:

Please See Continuation Sheet

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 3-21, 23-28, 30-39, 41, 42, 50, 56, 61, 65, 68-76, 79, 84, 87-91

The opinion as to Novelty was negative (No) with respect to claims 1, 2, 22, 29, 40, 42, 43-49, 51-55, 57-60, 63, 64, 66, 67, 77, 78, 80-83, 85, 86

The opinion as to Inventive Step was positive (Yes) with respect to claims 20, 21, 61, 65, 68-70, 74, 79, 84, 89

The opinion as to Inventive Step was negative (NO) with respect to claims 1-19, 22-60, 62-64, 66, 67, 71-73, 75-78, 80-83, 85-88, 90, 91

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-91

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE

V. 2. Citations and Explanations:

Claims 1, 2, 22, 29, 40, 42-45, 51-55, 77, 78, 80-83, 85 and 86 lack novelty under PCT Article 33(2) as being anticipated by Taylor '417.

Taylor '417 teaches a cleansing pad 10 comprising a web of fibers (col. 3, lines 43-47) forming a substrate 12 and a solid cleansing agent 14 distributed substantially throughout said substrate in a quantity sufficient for multiple uses (col. 4, lines 1-2) of the pad in conjunction with a solvent that dissolves the solid cleansing agent for cleansing purposes.

As for claim 2, the cleansing agent comprises a pourable soap (col. 4, lines 1-2).

As for claim 22, the substrate comprises synthetic materials.

As for claim 29, the substrate comprises non-woven materials (col. 3, lines 43-44).

As for claim 40, Taylor '417 also teaches a method of manufacturing a cleansing device, comprising the steps of providing a cleansing agent that is in essentially solid form at a first temperature range, and in essentially pourable molten form at a second temperature range, heating the cleansing agent to within the second temperature range such that the cleansing agent is in pourable molten form, applying the molten cleansing agent to one or more portions of a web of fibers that forms a substrate, and allowing the cleansing agent to cool down to within the first temperature range to resolidify on the substrate (col. 6, line 10-col. 8, line 33).

As for claim 42, col. 6, lines 10-21 mention the claimed temperature range.

As for claim 43, Taylor '417 teaches the step of allowing the cleansing agent to cool down to within the first temperature range further includes the steps of allowing the cleansing agent to cool down to about room temperature (col. 7, lines 52-62).

As for claim 44, Taylor '417 teaches the step of allowing the cleansing agent to cool down to within the first temperature range is with a forced drying step (col. 7, lines 52-67).

Claims 45 and 54 are rejected similarly to claim 1 above.

As for claims 51 and 52, Taylor '417 teaches the step of applying the molten cleansing agent to the substrate further comprises the steps of injecting/spraying the molten cleansing agent into the substrate (Fig. 3) since the cleansing agent is impregnated within the substrate at the final product.

As for claim 53, there is a step of squeezing excess molten agent by rollers at 52, 54 (Fig. 4) from the substrate before allowing the agent to cool down.

As for claim 55, there is a step of selectively applying the molten agent throughout the substrate (col. 3, lines 61-67).

As for claims 77 and 81, there is an apparatus for manufacturing a cleansing device comprising a support for holding a substrate comprising a web of fibers, a conveyor and a sprayer for spraying molten agent onto the substrate (Figs. 2 and 3).

Claims 78, 80, 82, 85 and 86 are rejected similarly as above.

As for claim 83, there would be a controller that controls operation.

Claims 3-19, 23-28, 30-32, 35, 36, 38, 39, 41, 56 and 62 lack an inventive step under PCT Article 33(3) as being obvious over Taylor '417.

As for claims 3, 6, 7, 8, 9, 10, 11, 12 and 39, such sodium soaps and detergents are well known and one skilled in the art

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In case the space in any of the preceding boxes is not sufficient.

would find it obvious to select any of the claimed types for appropriate and desired usage (col. 5, lines 27-61).

As for claims 4, 5, 8, 10, 11 and 12, the claimed particular percentages would be well within the level of ordinary skill and could be obtained through a mere optimization process (col. 5, lines 27-61).

As for claims 13, 14, 15, 16, 17, 18 and 19, such claimed elements for the cleansing agent are also deemed well known and one skilled in the art would find it obvious to select any of the claimed types for appropriate and desired usage.

As for claims 13, 14, 15, 16, 17, 18 and 19, the claimed particular percentages would be well within the level of ordinary skill and could be obtained through a mere optimization process.

As for claim 23, to have provided naturally occurring materials would be obvious to one skilled in the art as such devices typically incorporate one of synthetic or natural materials. Such selection is merely up to one skilled in the cleansing art.

As for claims 24, 25 and 28, whether the substrate is reticulated, non-reticulated or woven is well within the level of ordinary skill and such arrangement merely depends on the final desired strength and/or durability of the substrate.

As for claims 26, 27, 30, 35, 36 and 38, such claimed elements for the substrate are also deemed well known and one skilled in the art would find it obvious to select any of the claimed types for appropriate and desired usage as well as for aesthetics.

As for claims 31 and 32, the claimed weight ratios are also within the level of ordinary skill and merely depends on the desired final product. Taylor '417 is clearly concerned with the amount of cleansing agent relative the substrate and through optimization, one skilled in the art could find the most suitable weight ratio (col. 3, line 61-col.4, line 5).

As for claim 41, one skilled could clearly eliminate any forced drying step for cooling purposes to eliminate system components.

As for claims 56 and 62, through optimization, one skilled in the art could apply different amounts or agents and/or different formulations of the agent to various parts of the substrate to best suit a particular function/task.

→ Claims 33, 34 and 37 lack an inventive step under PCT Article 33(3) as being obvious over Taylor '417 in view of Reuven '506.

Taylor '417 teaches all of the recited subject matter as set forth previously with the exception of the device having fragrances, skin moisturizers, or antimicrobials/antiseptics. Reuven '506 teaches a cleansing device having fragrances, skin moisturizers, or antimicrobials/antiseptics (col. 4, lines 1-12). It would have been obvious to one skilled in the art to have provided Taylor's device with fragrances, skin moisturizers, or antimicrobials/antiseptics as suggested by Reuven '506 for the purpose of adding versatility to the cleansing device and for aiding the user in a healthier manner.

→ Claims 71-73, 75 and 76 lack an inventive step under PCT Article 33(3) as being obvious over Taylor '417 in view of Hanlon '735.

Taylor '417 teaches all of the recited subject matter as set forth previously with the exception of an injector which injects the molten agent into the substrate during it's manufacture. Hanlon '735 teaches a cleansing device utilizing an injector (Fig. 4) which injects the molten agent into the substrate during it's manufacture. It would have been obvious to one skilled in the art to have modified Taylor's manufacturing device such that an injector injects the molten agent into the substrate during it's manufacture as taught by Hanlon '735 as such step is well known in the applicator/coating arts. Whether one utilizes, spraying, immersion or injecting, each procedure is old and well known for coating and /or impregnating purposes.

→ Claims 40, 43-49, 54, 57-60, 63, 64, 66 and 67 lack novelty under PCT Article 33(2) as being anticipated by Field '858.

As for claims 40, 54, 66 and 67, Field '858 teaches a method of manufacturing a cleansing device, comprising the steps of providing a cleansing agent that is in essentially solid form at a first temperature range, and in essentially pourable molten form at a second temperature range, heating the cleansing agent to within the second temperature range such that the cleansing agent is in pourable molten form, applying the molten cleansing agent to one or more portions of a web of fibers that forms a substrate, and allowing the cleansing agent to cool down to within the first temperature range to resolidify on the substrate.

As for claim 43, Field '858 teaches the step of allowing the cleansing agent to cool down to within the first temperature range further includes the steps of allowing the cleansing agent to cool down to about room temperature.

As for claim 44, Field '858 teaches the step of allowing the cleansing agent to cool down to within the first temperature range is with a forced drying step (by a drum drier as shown in Figs. 1 or 1a).

Claims 45 is rejected similarly to claim 1 above.

As for claims 46, 48, 49, 57, 58, 59, 60, 63 and 64 there is shown a dipping/immersing step into tank 4 of the substrate into a molten cleansing agent (Fig. 1a embodiment).

As for claim 47, a compressing step occurs at as the substrate proceeds through the roller arrangement (Figs. 1a and 8a).

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→ Claims 50, 87, 88, 90 and 91 lack an inventive step under PCT Article 33(3) as being obvious over Field '858.

As for claim 50, the time of immersion is well within the level of ordinary skill and merely would depend on the desired characteristics of the final cleaning product.

As for claim 87, Field '858 already teach an immersion step and to have further provided an injecting step would be obvious as spraying, immersion and/or injecting are old and well known for coating and/or impregnating purposes.

Claims 88 and 90 are rejected also by the teachings of Field '858.

As for claim 91, there would be a controller for controlling operation of the system.

+ Claims 20, 21, 61, 65, 68-70, 74, 79, 84 and 89 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed combination of cleansing agent as recited in claims 20 and 21, the step of evacuating air out of the substrate in a vacuum chamber to induce transfusion of the agent into the substrate, and a press for compressing and decompressing the substrate to induce transfusion of agent into the substrate.

Claims 1-91 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.